

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1612

Introduced by Assembly Member Kehoe

February 21, 2003

~~An act to amend Section 182 of the Penal Code, relating to conspiracy.~~ *An act to add Section 30057 to the Government Code, relating to public safety funds.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1612, as amended, Kehoe. ~~Conspiracy~~ *Public safety funds.*

(1) Existing law provides for the allocation of revenues from the Local Public Safety Fund in the State Treasury to the Public Safety Augmentation Fund in each county for public safety services, as defined.

This bill would require the County of San Diego to establish the Regional Public Safety Fund in the county treasury to receive funds from the Public Safety Augmentation Fund, and would require the board of supervisors to annually allocate \$4,500,000 to the Regional Public Safety Fund for a regional fire-based helicopter and for reimbursement of emergency fire dispatches, as specified. These requirements on the county would create a state-mandated local program.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000*

statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides that if 2 or more persons conspire to commit a felony they are punishable in the same manner and to the same extent as is provided for the punishment of that felony.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 182 of the Penal Code is amended to~~
 2 *SECTION 1. Section 30057 is added to the Government Code,*
 3 *to read:*
 4 *30057. (a) The County of San Diego shall establish the*
 5 *Regional Public Safety Fund in the county treasury to receive*
 6 *funds from the county Public Safety Augmentation Fund pursuant*
 7 *to this section.*
 8 *(b) Commencing July 1, 2003, the county board of supervisors*
 9 *shall annually allocate and transfer four million five hundred*
 10 *thousand (\$4,500,000) into the Regional Public Safety Fund from*
 11 *the revenues deposited in the Public Safety Augmentation Fund on*
 12 *or after July 1, 2003. Commencing July 1, 2004, the amount of this*
 13 *allocation shall increase by the increase in the consumer price*
 14 *index as calculated by the Federal Bureau of Labor Statistics*
 15 *within the United States Department of Labor. However, if the*
 16 *funds within the Public Safety Augmentation Fund allocated to the*
 17 *County of San Diego drop below the amount that was allocated to*
 18 *the county in the 2000–01 fiscal year, then the county board of*
 19 *supervisors shall transfer funds from the Regional Public Safety*
 20 *Fund to the Public Safety Augmentation Fund in the amount that*
 21 *would restore the amount in the augmentation fund to the fiscal*
 22 *year 2000–01 level.*
 23 *(c) This section shall not change the distribution formula that*
 24 *determines the allocation of public safety augmentation funds*

1 allocated to cities. The intent of the Legislature in enacting this
2 section is to provide funding for regional public safety programs
3 from the county's growth of Proposition 172 revenues.

4 (d) The county board of supervisors shall allocate the funds in
5 the Regional Public Safety Fund as follows:

6 (1) To enable the City of San Diego to make available to any
7 San Diego County public safety agency a regional fire-based
8 helicopter. The county shall allocate three million dollars
9 (\$3,000,000) for this purpose.

10 (2) To provide thirty dollars (\$30) per emergency dispatch to
11 any fire department, fire district, or volunteer fire company that
12 participates in a regional or joint dispatch center that provides
13 emergency dispatch services for fire and EMS response. Private,
14 state, and federal agencies shall be excluded from any funding
15 provided by this section. If there are insufficient funds in the
16 Regional Public Safety Fund after allocations made pursuant to
17 paragraph (1) to meet the requirements of this paragraph, then the
18 per dispatch reimbursement shall be reduced by an amount
19 necessary to allow reimbursement for all qualified emergency
20 dispatches. No agency shall be reimbursed for more than 10,000
21 dispatched calls. A fire department shall meet the following
22 criteria to qualify for dispatch reimbursement:

23 (A) The dispatch provider must provide emergency fire
24 dispatch to at least seven other fire agencies within the county.

25 (B) This fund shall reimburse the costs related to joint fire
26 dispatching for local fire agencies, which include municipal, fire
27 district and volunteer fire companies.

28 SEC. 2. Notwithstanding Section 17610 of the Government
29 Code, if the Commission on State Mandates determines that this
30 act contains costs mandated by the state, reimbursement to local
31 agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code. If the statewide cost of the
34 claim for reimbursement does not exceed one million dollars
35 (\$1,000,000), reimbursement shall be made from the State
36 Mandates Claims Fund.

37 SEC. 3. The Legislature finds and declares that, because of
38 unique circumstances applicable only to the County of San Diego,
39 a statute of general applicability cannot be enacted within the
40 meaning of subdivision (b) of Section 16 of Article IV of the

1 *California Constitution. Therefore, this special statute is*
2 *necessary.*

3 *read:*

4 ~~182. (a) If two or more persons conspire:~~

5 ~~(1) To commit any crime.~~

6 ~~(2) Falsely and maliciously to indict another for any crime, or~~
7 ~~to procure another to be charged or arrested for any crime.~~

8 ~~(3) Falsely to move or maintain any suit, action, or proceeding.~~

9 ~~(4) To cheat and defraud any person of any property, by any~~
10 ~~means which are in themselves criminal, or to obtain money or~~
11 ~~property by false pretenses or by false promises with fraudulent~~
12 ~~intent not to perform those promises.~~

13 ~~(5) To commit any act injurious to the public health, to public~~
14 ~~morals, or to pervert or obstruct justice, or the due administration~~
15 ~~of the laws.~~

16 ~~(6) To commit any crime against the person of the President or~~
17 ~~Vice President of the United States, the Governor of any state or~~
18 ~~territory, any United States justice or judge, or the secretary of any~~
19 ~~of the executive departments of the United States.~~

20 ~~They are punishable as follows:~~

21 ~~When they conspire to commit any crime against the person of~~
22 ~~any official specified in paragraph (6), they are guilty of a felony~~
23 ~~and are punishable by imprisonment in the state prison for five,~~
24 ~~seven, or nine years.~~

25 ~~When they conspire to commit any other felony, they shall be~~
26 ~~punishable in the same manner and to the same extent as is~~
27 ~~provided for the punishment of that felony. If the felony is one for~~
28 ~~which different punishments are prescribed for different degrees,~~
29 ~~the jury or court that finds the defendant guilty thereof shall~~
30 ~~determine the degree of the felony the defendant conspired to~~
31 ~~commit. If the degree is not so determined, the punishment for~~
32 ~~conspiracy to commit the felony shall be that prescribed for the~~
33 ~~lesser degree, except in the case of conspiracy to commit murder,~~
34 ~~in which case the punishment shall be that prescribed for murder~~
35 ~~in the first degree.~~

36 ~~If the felony is conspiracy to commit two or more felonies that~~
37 ~~have different punishments and the commission of those felonies~~
38 ~~constitute but one offense of conspiracy, the penalty shall be that~~
39 ~~prescribed for the felony which has the greater maximum term.~~

1 ~~When they conspire to do an act described in paragraph (4), they~~
2 ~~shall be punishable by imprisonment in the state prison, or by~~
3 ~~imprisonment in the county jail for not more than one year, or by~~
4 ~~a fine not exceeding ten thousand dollars (\$10,000), or by both that~~
5 ~~imprisonment and fine.~~

6 ~~When they conspire to do any of the other acts described in this~~
7 ~~section, they shall be punishable by imprisonment in the county~~
8 ~~jail for not more than one year, or in the state prison, or by a fine~~
9 ~~not exceeding ten thousand dollars (\$10,000), or by both that~~
10 ~~imprisonment and fine. When they receive a felony conviction for~~
11 ~~conspiring to commit identity theft, as defined in Section 530.5,~~
12 ~~the court may impose a fine of up to twenty-five thousand dollars~~
13 ~~(\$25,000).~~

14 ~~All cases of conspiracy may be prosecuted and tried in the~~
15 ~~superior court of any county in which any overt act tending to~~
16 ~~effect the conspiracy shall be done.~~

17 ~~(b) Upon a trial for conspiracy, in a case in which an overt act~~
18 ~~is necessary to constitute the offense, the defendant cannot be~~
19 ~~convicted unless one or more overt acts are expressly alleged in the~~
20 ~~indictment or information, nor unless one of the acts alleged is~~
21 ~~proved; but other overt acts not alleged may be given in evidence.~~
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